IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.10318 of 1999

Dated: 28-03-2007

Between:

1. Vavilapalli Venugopala Naidu,
   s/o Jagannadha Naidu and 15 others.

... Petitioners

and

1. The District Collector,
   Srikakulam District,
   Srikakulam and 4 others.

... Respondents

ORDER:

Petitioners state that first petitioner is a member of Mandal Parishad Territorial constituency and other petitioners are villagers of Mukundapur and they are interested in the welfare of the villages covered by the Mandal Parishad territorial constituency. The Government of Andhra Pradesh has introduced a Scheme called District Primary Education Development Scheme and under the said

Scheme, Village School Committees are formed to look after the development of primary education in the respective villages with the participation of villagers, teachers, welfare organizations and local bodies. They further state that the Village School Committee of China Mukundapuram village was formed with fifth respondent as its Chairperson and it has recommended for construction of a school building in an extent of Ac.0-42 cents in Sy.Nos.146/4,5,8,9 and 10 of China Mukundapuram village. As fifth respondent, contrary to the sanction made by the concerned authorities, proposed to construct the school building in an extent of Ac.0-02 cents in Sy.No.144/1B which is adjacent to a tank where drainage water stagnates, petitioners filed the present writ petition seeking a direction to respondent Nos.1 to 4 to restrain fifth respondent from making any construction of school building in Sy.No.144/1B instead of Sy.Nos.146/4, 5, 8, 9 and 10 of Chinna Mukundapuram village, Santakaviti Mandal, Srikakulam District.

2. Heard learned counsel for the parties.

3. A counter affidavit is filed on behalf of fourth respondent, wherein it is stated that the approval was given for construction of school building under D.P.E.P. Scheme at Chinna Mukundapuram village only in S.Nos.146/4,5,8,9 and 10, but fifth respondent is constructing school building at S.No.144/1B and the said construction is definitely contrary to the D.P.E.P.Scheme.

4. In the light of the admission made in the counter affidavit filed by fourth respondent, this Court is of the view that the writ petition shall be allowed.

5. Accordingly, the writ petition is allowed and respondents 1 to 4 are hereby directed to restrain fifth respondent from making any construction of school building in Sy.No.144/1B instead of Sy.Nos.146/4,5,8,9 and 10 of Mukundapuram village. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.28-03-2007
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